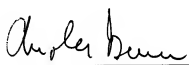


PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 73538-020501						
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature _____ Typed or printed name _____		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;">Application Number 10/769,838</td> <td style="padding: 5px;">Filed February 2, 2004</td> </tr> <tr> <td colspan="2" style="padding: 5px;">First Named Inventor William R. Dunn, et al.</td> </tr> <tr> <td style="padding: 5px;">Art Unit 2871</td> <td style="padding: 5px;">Examiner Tarifur R. Chowdhury</td> </tr> </table>	Application Number 10/769,838	Filed February 2, 2004	First Named Inventor William R. Dunn, et al.		Art Unit 2871	Examiner Tarifur R. Chowdhury
Application Number 10/769,838	Filed February 2, 2004							
First Named Inventor William R. Dunn, et al.								
Art Unit 2871	Examiner Tarifur R. Chowdhury							
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <div style="display: flex; justify-content: space-between; align-items: flex-start; margin-top: 20px;"> <div style="width: 45%;"> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>24,029</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> </div> <div style="width: 50%; text-align: center;">  _____ Signature <u>Charles Berman</u> Typed or printed name _____ (310) 586-7770 Telephone number _____ July 7, 2006 Date </div> </div> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below".</p>								
<p><input checked="" type="checkbox"/> *Total of <u>2</u> forms are submitted.</p>								

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	William R. Dunn, et al.	Examiner:	Tarifur R. Chowdhury
Serial No.	10/769,838	Group Art Unit:	2871
Filed:	February 2, 2004	Docket No.	73538.020501
Title:	FLAT PANEL DISPLAY HAVING INTEGRAL HEATER, EMI SHIELD AND THERMAL SENSORS		
Customer No.:	33717		

CERTIFICATE OF TRANSMISSION

I hereby certify that this document is being transmitted electronically to the United States Patent and Trademark Office via the EFS Web e-Filing system on July 7, 2006.


Name: Kimberly Wooten

REASONS FOR REQUEST FOR PANEL REVIEW

Board of Patent Appeals and Interferences
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir/Madam:

Pre-appeal brief conference review is appropriate when there are clear errors in the Examiner's review and/or the Examiner has omitted one or more essential elements needed for a prima facie rejection. Applicants believe that at least one of these conditions is present here.

Claims 13-14, 16-20 are pending in the application, claims 1-12, and 15 having been cancelled during prosecution. Claim 13 is the sole independent claim in this application.

The Examiner rejected the single independent claim 13 as anticipated by U.S. Patent No. 6,885,412 to Ohnishi, et al. (Ohnishi), fundamentally asserting that since Ohnishi discloses (col 8, line 63 - col 9, line 6; col. 12, line 54 - col. 13, line 20) that a thermal sensor can be placed on

the TFT substrate specially at surface 1a. The Examiner stated that the “TFT array layer” is considered as any layer that is between the substrate and the liquid crystal layer. Applicants assert that this is clear error by the Examiner.

In the Final Office Action, the Examiner stated, as to claim 13, that Ohnishi discloses a flat panel display comprising a front plate (fig. 5, ref. 2), a rear glass plate (1), a layer of liquid crystals (3) and a TFT array layer (fig. 3, ref. 13) interposed between the front and rear glass plates, and at least one thermal sensor (8) integral to the TFT array layer (when positioned on the “1a” surface, col. 8, line 63 - col. 9, line 6; col. 12, line 54 - col. 13, line 2) to provide temperature sensing of the layer of liquid crystals (col. 10, lines 5-9; col. 12, lines 54-63). Response After Final, page 3, lines 1-6.

Claims 16 was finally rejected as anticipated by U.S. Patent No. 6,885,412 to Ohnishi. The Examiner alleged that “Ohnishi discloses a flat array layer interposed between the front and rear glass plates and at least one thermal sensor (8) integral to the TFT array layer (when positioned on the ‘1a’ surface, col. 8, line 63 - col. 9, line 6; col. 12, line 54 - col. 13, line 2). The Examiner stated that this provides temperature sensing of the layer of liquid crystals (col. 10, lines 5-9; col. 12, lines 54-63).

However, Ohnishi, and each of the Figures 1, 3, and 5, in particular, have a temperature application layer 8. In Figure 1, Figure 3, and Figure 5, a planer ITO heater layer is positioned on substrate 2 spaced three layers away from the TFT array layer, which is shown formed on substrate 1. The Examiner respectfully has misread Ohnishi. Ohnishi does state that the temperature application layer 8 may be formed on any one or more of the surfaces 1 or 2, or beneath or above the TFT array layer made up of lines 11 and 12, devices 13, and electrodes 14. Further, Ohnishi (column 10, lines 10-18) indicates that the temperature detection may be accomplished by simply measuring the resistance of the ITO film, wherever it is positioned.

So, in fact, these ITO films are separate structures in Ohnishi. The ITO temperature application layer 8 may even be placed beneath the TFT array layer. This is not the temperature detection sensor. It is the temperature application layer.

Even more, that does NOT ever make the temperature application it integral with the TFT array layer. Such a configuration would make the application layer adjacent to, not integral with, the TFT array layer. Also, there are intervening layers: the insulator layer 9 and the row electrodes 5 between the TFT layer and the application layer. That layer is spaced from the TFT layer.

Nowhere in Ohnishi is there any suggestion that the temperature detection or sensor is a layer or that the sensor is **integral** to the TFT array layer as is set forth in Applicants' claim 13. Being "placed anywhere" is not a teaching of integration with a layer, let alone a TFT layer. Given that the application layer is in fact removed from the TFT layer, the suggestion is even more appropriate that the sensor of Ohnishi is non-integral. The passages quoted by the Examiner, and the entire Ohnishi disclosure, simply do not support such an integral assertion.

For this reason, the rejection of claim 13, as well as the rejection of claim 16 cannot stand. The rejection of claims 13 and 16 should be withdrawn

In the Examiner's Advisory Action, he states:

"In response to applicant's argument that the thermal sensor of Ohnishi is not integral to the thermal sensor of Ohnishi is not integral to the TFT array layer, it is respectfully pointed out to applicant that as explained before Ohnishi discloses (col. 8, line 63 - col. 9, line 6; col. 12, line 54 - col. 13, line 20) that a thermal sensor can be placed on the TFT substrate specially at surface 1a. The Examiner stated that this disclosure anticipates that the "TFT array layer" is considered as any layer that is between the substrate and the liquid crystal layer, the claimed limitation is met by Ohnishi. Therefore, applicant's argument is not persuasive and the reject is maintained."

It is respectfully submitted that Applicants' claim language is quite clear and that the Examiner's interpretation is without foundation and is thus clearly in error. The Examiner failed to provide any support for his asserted position that the detection or sensor is integral.

The Examiner further rejected dependent claim 14 under 35 USC 103 over Ohnishi in view of Muhlemann. The additional reference does not disclose the integral feature. Accordingly Muhlemann, together with Ohnishi, in any combination, cannot render Applicants' dependent claim 14 or other dependent claims unpatentable. For this reason the Examiner's rejections should be withdrawn.

Claims 13, 14 and 16-20 are clearly allowable over the cited prior art.

It is respectfully submitted that the Examiner's rejections in the Final Office Action and his position in the Advisory Action is clearly erroneous and that the application is in condition for allowance.

The Director is authorized to charge **\$500.00** in fees for the filing of a Notice of Appeal, as well as any additional fee(s) or any underpayment of fee(s), or to credit any overpayments to **Deposit Account Number 50-2638**. Please ensure that Attorney Docket Number 73538.020501 is referred to when charging any payments or credits for this case.

Respectfully submitted,



Charles Berman
Reg. No. 29,249

Date: July 6, 2006

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